

SENATE BILL REPORT

SB 5015

As Reported by Senate Committee On:
Financial Institutions & Insurance, January 19, 2017

Title: An act relating to unlawful detainer actions for at-will tenancies.

Brief Description: Concerning unlawful detainer actions for at-will tenancies.

Sponsors: Senators Warnick and Hobbs.

Brief History:

Committee Activity: Financial Institutions & Insurance: 1/17/17, 1/19/17 [DP, DNP].

Brief Summary of Bill

- Allows suit of at-will tenant for unlawful detainer.
- Allows eviction of at-will tenant upon failure to vacate premises after 20-days' written notice.
- Entitles at-will tenant to show cause hearing under Residential Landlord Tenant Act.
- Exempts situations of, and does not apply to, housing for agricultural employees when provided in conjunction with employment.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

Majority Report: Do pass.

Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain and Hobbs.

Minority Report: Do not pass.

Signed by Senator Kuderer.

Staff: Aldo Melchiori (786-7439)

Background: Unlawful detainer is the process for evicting a residential tenant. The process is generally as follows:

1. The landlord will serve the tenant with, most commonly, a three-day pay or vacate or a ten-day comply or vacate notice.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

2. If, after three or ten days, the tenant is still in the rental unit either without paying rent or failing to comply with the terms of the notice, the landlord will have a neutral third party deliver the Summons and Complaint. These documents do not need to be filed with the court. These documents will include a reply deadline:
 - a. If the tenant fails to reply, the tenant will automatically lose the eviction.
3. Show Cause Hearing. This is a notice of appearance date. This hearing is an opportunity for the tenant to raise any defenses to the eviction. The judge makes a ruling at this point:
 - a. If the tenant prevails, the case is dismissed.
 - b. If the tenant loses, the tenant will be issued a judgment in the amount of money owed which may include rent, court costs, attorneys' fees, and other fees.
4. Writ of Restitution. If a tenant loses and has not already vacated, the sheriff will issue a writ of restitution, which is advance notice for when the sheriff will come to oversee the tenant's removal from the property.

Summary of Bill: An at-will tenant may be sued for an unlawful detainer. A person who occupies real property with the consent of the owner but without a specific rental amount or designated period of tenancy on an at-will basis may be evicted if they fail to leave the premises after 20-days' notice, in writing, served as provided for in statute. An at-will tenant is entitled to a show cause hearing as provided in the Residential Landlord Tenant Act.

This does not apply to housing for agricultural employees when provided in conjunction with employment.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is intended to normalize the process for tenants at will. It helps every one understand their rights clearly. The intent is to give landlords a more timely remedy for tenants at will who refuse to leave when asked. This will help expedite the process and balance the rights and responsibilities of both parties. Tenants at will should not have more rights than regular paying tenants.

CON: The ejectment action process has been settled law for 40 years. This will create a risk of harm to vulnerable individuals such as victims of domestic violence and the elderly. It is very difficult to find alternate housing within twenty days.

Persons Testifying: PRO: Senator Warnick, Prime Sponsor; Chester Baldwin, Washington Rental Owner's Association.

CON: Pamela Crone, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: No one.